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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ROBERT MCCARTHY,

No. C-06-0948 MMC

Plaintiff,

**ORDER DIRECTING PLAINTIFF TO  
SHOW CAUSE WHY ACTION SHOULD  
NOT BE DISMISSED FOR FAILURE TO  
PROSECUTE**

v.  
EMERYVILLE HOTEL DEVELOPMENT  
VENTURE, L.P., et al.,

Defendants

/

By order filed February 13, 2006, the parties and counsel were ordered to hold a joint inspection of the premises at issue herein no later than May 24, 2006. (See Scheduling Order for Cases Asserting Denial Of Right to Access Under ADA.) Further, plaintiff was ordered to file a Notice of Need for Mediation no later than 45 days after the joint site inspection. (See *id.*) To date, plaintiff has not filed a Notice of Need for Mediation or submitted any other filing in the matter.

Accordingly, plaintiff is hereby ORDERED TO SHOW CAUSE, in writing and no later than August 18, 2006, why the above-titled action should not be dismissed for failure to prosecute. In the event plaintiff files a Notice of Need for Mediation by August 18, 2006, this order will be discharged.

**IT IS SO ORDERED.**

Dated: August 11, 2006

  
MAXINE M. CHESNEY  
United States District Judge